

MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101 • <http://www.mde.state.md.us>

GENERAL PERMIT FOR DISCHARGES FROM TANKS, PIPES, AND OTHER LIQUID CONTAINMENT STRUCTURES AT FACILITIES OTHER THAN OIL TERMINALS

GENERAL DISCHARGE PERMIT NO. 06 HT

NPDES PERMIT NO. MDG67

Effective Date: February 17, 2006

Expiration Date: February 16, 2011

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq. and implementing regulations, the Department of the Environment hereby permits wastewater discharges from hydrostatic testing and related discharges described herein, when registered under this permit and occurring according to its conditions.

Part I. Applicability.

A. Geographic Coverage. This permit covers discharges from tanks, pipes, pipelines, and other liquid and gaseous containment structures to surface or ground waters within the territorial boundaries of the State of Maryland.

B. Eligible Discharges. This general permit covers the following discharges to waters of this State:

1. Treated tank bottom wastewater from petroleum (gasoline, kerosene, fuel oil, #6 oil and aviation fuel only) storage tanks to surface waters;
2. Wastewater from the flushing, disinfection, or hydrostatic testing of pipes, pipelines or tanks, including fire control systems, or wastewater from pipeline infiltration;
3. Discharges from potable water systems resulting from the overflow, flushing, disinfection, hydrostatic testing, mechanical cleaning, or dewatering of vessels or structures used to store or convey potable water;
4. Untreated water in excess of 10,000 gallons per day as a monthly average from water storage or distribution systems; and
5. Storm water discharges from petroleum storage tank containment structures.

C. Ineligible Discharges. The following discharges are not covered under this general permit:

1. Discharges of any type from oil terminals;

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2. Tank bottom wastewater discharges to ground waters of the State;

3. Wastewater from the washing of chemical and petroleum storage tanks, pipes and pipelines; and

4. Wastewater discharges to ground water that, before treatment, contain concentrations of benzene, lead, or other substances in excess of Toxic Characteristic Leaching Procedures (TCLP) concentrations as defined in COMAR 26.13.02.14.

D. Permit Not Required. No permit is required for the discharge of water from reservoirs formed by the damming of natural drainage paths, or for the discharge of 10,000 gallons or less of untreated water.

E. Individual Permit or Another General Permit Required.

1. The Department may require any person authorized by this permit to apply for and obtain an individual State or State/NPDES discharge permit. If an owner or operator fails to submit an application for an individual State or State/NPDES discharge permit as required by the Department under this condition, the coverage of the owner or operator under this permit is automatically terminated at the end of the day specified by the Department for submittal of the application.

2. Any person authorized by this permit may request to be excluded from coverage of this permit by applying for an individual State or State/NPDES discharge permit. The request may be granted by issuing an individual State or State/NPDES permit, if the reasons cited by the owner or operator are adequate to support the request.

3. When an individual State or State/NPDES discharge permit is issued to a person for the discharge registered under this permit, the applicability of this permit to the permittee is automatically terminated on the effective date of the individual State or State/NPDES discharge permit.

4. If a person otherwise covered under this permit is denied coverage under an individual State or State/NPDES discharge permit, the denial automatically terminates the person's coverage under this general permit on the same day, unless otherwise specified by the Department.

5. The Department may terminate coverage under this general permit for an existing permittee if the Department finds that:

a. The NOI contained false or inaccurate information;

b. Conditions or requirements of the discharge permit have been or are about to be violated;

c. Substantial deviation from plans, specifications or requirements has occurred;

d. The Department has been refused entry to the premises for inspection to insure compliance with the conditions of the discharge permit;

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e. A change in conditions exists that requires temporary or permanent reduction or elimination of the permitted discharge;

f. Any State or federal water quality stream standard or effluent standard has been or is threatened to be violated; or

g. Any other good cause exists for denying coverage under this permit.

F. Authorization. To be authorized to discharge under this general permit, a person is required to submit an NOI in accordance with the requirements of Part III of this permit, to pay the required fee and to comply with the terms and conditions of this permit. Coverage under this permit is effective on the date that the NOI is accepted by the Department and the fee is paid to the Department in accordance with the terms stipulated in Part III below. A person who submits such an NOI, is notified of its acceptance by the Department, complies with the terms and conditions of this permit, and pays the required fee is authorized to discharge under the terms and conditions of this permit.

If the fee is paid by check that is mailed to the Department, the fee is considered paid on the date of mailing. If the fee is paid to the Department in any other manner than by mailing a check, the effective date of coverage under this permit is the date the Department receives the payment. If a check does not clear for any reason, the person will be given 30 calendar days to make proper payment including any interest and other charges that are due. If payment is not made within this time, coverage under this permit shall be considered void from the outset. The permittee should save the canceled check, a copy of the completed NOI, and the registration letter from the Department. Copies of these documents shall be provided to the Department upon request.

G. Transfer of Authorization. The authorization under this permit is not transferable to any person.

H. Continuation of an Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued or the general permit is revoked or withdrawn. The continued permit covers only those permittees authorized to discharge prior to the expiration of the general permit.

Part II. Definitions.

A. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

B. "CFR" means Code of Federal Regulations.

C. "COMAR" means Code of Maryland Regulations.

D. "Department" means the Maryland Department of the Environment.

E. "Federal Clean Water Act" means the federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulations adopted there under.

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F. "Flushing" means the rinsing of pipes, tanks, or reservoirs with untreated water or with potable water to remove solids that have accumulated during construction or from settling. Flushing does not include any introduction of cleaners or chemicals into the pipes or tanks.

G. "General permit" means a discharge permit issued for a class of dischargers.

H. "Grab sample" means an individual sample collected in less than 15 minutes.

I. "Ground water" means underground water in a zone of saturation.

J. "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

K. "NPDES permit" means a National Pollutant Discharge Elimination System permit issued under the federal Clean Water Act.

L. "NOI" means Notice of Intent to be covered by this permit (see Part III of this permit).

M. "Oil and grease" is the test method according to EPA method 1664.

N. "Oil terminal" means a facility that is principally engaged in the storage and transfer of petroleum products.

O. "Operator" means that person or those persons with responsibility and control for the management and performance of each facility.

P. "Permittee" means the person holding a permit issued by the Department.

Q. "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this State, any county, Municipal Corporation or other political subdivision of this State or any of their units.

R. "Pollution Prevention Plan" means a plan for diverting, detaining, treating and/or otherwise controlling discharges of potable water through physical, chemical or other means such as employee training, minimizing response time, and strategic maintenance planning to minimize the introduction of pollutants into ground or surface waters.

S. "Potable water" means drinking water that has been chemically treated.

T. "State discharge permit" means the discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.

U. "Surface waters" means all waters of this State that are not ground waters.

V. "Tank bottom" means wastewater and attendant sludge that separates from the petroleum or other chemical contents of a storage tank and collects at the bottom or top of the tank.

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W. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

X. "Wastewater" means any:

1. Liquid waste substance derived from industrial, commercial, municipal, residential, agricultural, recreational, or other operations or establishments; and
2. Other liquid waste substance containing liquid, gaseous or solid matter and having characteristics that will pollute any waters of this State.

Y. "Water" means the liquid substance which is derived from a ground water source, a surface water source, a pipe supply, or any combination of these sources, and which will be discharged, without change in quality, into waters of this State, with the exception of storm water runoff.

Z. "Waters of this State" includes:

1. Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
2. The flood plain of free-flowing waters determined by the Department on the basis of the 100-year flood frequency.

Part III. Notice of Intent Requirements.

A. Deadlines for Notification. Any person who has an existing individual State or State/NPDES discharge permit for activities covered under this general permit may request coverage under this general permit by submitting, at least 180 days prior to the expiration of the individual State or State/NPDES discharge permit, an NOI requesting coverage under this general permit. At least 60 calendar days prior to the commencement of any new activity covered under this general permit, a person shall request coverage by submitting an NOI in accordance with the requirements of this Part. The Department may bring an enforcement action for failure to submit a NOI in a timely manner, or for any unauthorized discharges that occurred prior to obtaining coverage under this permit.

B. Notice of Intent. A person shall obtain the appropriate NOI form from the Department, and shall provide the following information: permittee name, address, and telephone number; facility location including address and latitude and longitude; receiving water body(s) for each outfall; and discharge type and flow for each outfall.

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C. Permit Fee.

1. The permittee shall pay an initial permit fee to the Department with the NOI form, and an annual fee each year thereafter, as indicated below. Discharges from tanks, pipes, and other liquid containment structures associated with drinking water facilities are exempt from the fee.

Volume in gallons per day	Initial fee	Fee for subsequent years
0 < 1,000	\$175	\$100
1,000 - 5000	\$250	\$100
5001-50,000	\$325	\$100
50,001-100,000	\$500	\$400
100,001-250,000	\$950	\$400
250,001-1,000,000	\$2000	\$400
>1,000,000	\$4000	\$1000

2. The permit fee is based on the total flow volume of effluent discharged from the facility.

3. The Department will bill the permittee annually, and the fee shall be paid by the anniversary date of the permit each year after the first.

D. Required Signatures.

1. Certification. Any person signing an NOI shall make the following certification as part of the NOI.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Signatories. The NOI shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

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(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in §122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under §122.22(a)(1)(ii) rather than to specific individuals.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipal, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(i) The chief executive officer of the agency; or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

3. Report Submission.

a. All reports required by permits, and other information requested by the Department shall be signed by a person described in Part III D.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in Part III D.2;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the Department.

b. If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III D.3(a) must be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

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F. Where to Submit. A person shall submit a signed copy of the NOI and any required fee, made payable to the Maryland Department of the Environment, to the following address:

Maryland Department of the Environment
P.O. Box 2057
Baltimore MD 21203

G. Failure to Notify. Persons who engage in an activity covered under this permit, who fail to notify the Department of their intent to be covered under this permit, and who discharge to waters of this State without an individual State or State/NPDES discharge permit, are in violation of the federal Clean Water Act and the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

H. Change in Discharge.

1. The permittee shall submit a new NOI and any required fee for any anticipated facility expansions, additional or relocated outfalls, process modifications or any other factor that will result in an increased discharge of pollutants or the discharge of additional pollutants. Based on its evaluation of the NOI, the Department may:

- a. Continue to authorize the discharge under this general permit; or
- b. Require the permittee to apply for an individual State or State NPDES/discharge permit.

2. If any anticipated facility expansions, production increases or decreases, process modifications or any other change will not result in an increased discharge of pollutants, the permittee shall report the change to the Department in writing.

I. Permit Expiration and Renewal. Within sixty days after of reissuance of this general permit with new effective and expiration dates, the permittee is required to submit to the Department either:

1. A notice that the discharge will cease by the expiration date of this permit; or
2. A new NOI and any fee in accordance with the requirements of the reissued general permit in order to be covered under the reissued general permit.

J. Special Requirements for Discharges to Separate Storm Sewer System Serving a Population of 100,000 or More ("System").

Facilities covered by this general permit shall comply with applicable State/NPDES permit requirements for the System that receives the facility's discharge, provided the discharger has been notified by the System of such applicable State/NPDES permit requirements. These facilities shall make pollution prevention plans available to the municipal operator of the System upon request, and shall notify the operator of any single discharge of 100,000 gallons or more.

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Part IV. Special Conditions.

A. Notification Prior to Discharge. If the total wastewater discharge from any single hydrostatic test will exceed 100,000 gallons or the rate of discharge will equal at least 50% of the flow of the receiving stream, the permittee shall notify the Wastewater Permits Program by phone at 410-537-3323, by fax at 410-537-3163, or by email at egertler@mde.state.md.us, at least 48 hours prior to the first discharge. For all hydrostatic testing discharges, the permittee shall include with the NOI an approximate schedule of discharges, and shall name a contact person who can provide updated scheduling information if necessary. For drinking water discharges, the permittee shall name a contact person who can provide discharge schedules upon request.

B. Notification of the Discharge of a Pollutant Not Limited in This Permit. The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at or above levels specified in the 40 CFR Part 122.42. This notification requirement may be modified by the Department at its discretion.

C. Discharge Requirements for Tank Bottoms - Biomonitoring Program

1. Within three months after registration under this permit, and prior to any discharge of tank bottom wastewater, the permittee shall submit to the Department for approval a study plan to evaluate wastewater toxicity by using biomonitoring. The study plan should include a discussion of:

- a. sampling & sample handling;
- b. source & age of test organisms;
- c. source of dilution water;
- d. testing procedures/experimental design;
- e. data analysis;
- f. quality control/quality assurance; and
- g. report preparation.

2. The testing program shall consist of one definitive acute testing event. This testing shall not be performed before the Department's acceptance of the study plan.

a. The testing event shall include a 48-hour static renewal test using fathead minnow and a 48-hour static renewal test using a daphnid species.

b. If the receiving water is estuarine the permittee may substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.

3. The sample used for biomonitoring shall be collected in the same manner and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall, and shall not be chlorinated.

4. Testing shall be conducted in accordance with the procedures described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, August 1993, EPA/600/4-90/027F.

5. Test results shall be submitted to the Department within one month of completion.

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6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data".
7. If testing is not performed in accordance with MDE-approved study plan, additional testing may be required by the Department.
8. If the test results indicate that the effluent is toxic, the discharge will not be authorized by this permit.
9. Submit all biomonitoring-related materials to:

**WMA - Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, STE-420
Baltimore, Maryland 21230-1708**

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C. Discharge Requirements for Tank Bottoms - Effluent Limitations

10. The permittee is authorized to discharge treated tank bottom wastewater to surface waters of this State only after confirming, via biomonitoring, that each batch is not acutely toxic. Biomonitoring results shall be submitted to and approved by the Department before discharge. In addition, each batch of tank bottom wastewater shall meet the effluent limitations specified below at the final discharge point.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	DAILY MAXIMUM	MONTHLY AVERAGE	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow	no limit	no limit	gpd					1/discharge	measured	a
Oil & Grease						15	mg/l	3/discharge	grab	b
BTEX						100	µg/l	3/discharge	grab	b,c
Benzene						5	µg/l	3/discharge	grab	b
Total Suspended Solids						60	mg/l	3/discharge	grab	b

Notes:

- a. Total flow shall be measured for the period of discharge, and the flow divided by the time over which the discharge occurred.
- b. Three grab samples, evenly spaced over the course of each discharge period, shall be collected and analyzed separately.
- c. Defined as the sum of the benzene, toluene, ethylbenzene, and xylene concentrations. The permittee shall include in the Discharge Monitoring Report the total BTEX and each individual concentration of benzene, toluene, ethylbenzene, and xylene.

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D. Discharge Limits for Hydrostatic Testing of Pipes, Pipelines, and Tanks

1. The permittee is authorized to discharge wastewater from: disinfection, mechanical cleaning, or hydrostatic testing of new or used tanks, pipes, or pipelines that have been or will be used to store or convey those materials, such as petroleum products, chemicals, or food-products, listed in the NOI submitted to the Department, and shall meet the limitations specified below at the final discharge point. This monitoring also applies to the super- chlorination of drinking water pipes and tanks.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow	no limit	no limit	gpd					1/discharge	measured	a, b
Oil & Grease						15	mg/l	3/discharge	grab	c,d
Total Residual Chlorine						19	µg/l	3/discharge	grab	c, e, f, g
Total Suspended Solids						60	mg/l	3/discharge	grab	c, h
Dissolved Oxygen				j			mg/l	3/discharge	grab	c, i, j
temperature difference				0 [k(i), k(ii)]			°F	2/discharge	i-s	k, l, m
Temperature						l	°F	2/discharge	i-s	l, m
PH				6.0		9.0	SU	3/discharge		c, f

Notes:

- Total flow shall be measured for the period of discharge, and the flow divided by the time over which the discharge occurred.
- The total volume of the discharge must also be reported on the discharge monitoring report.

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- c. Three grab samples, evenly spaced over the course of each discharge period, shall be collected and analyzed separately.
 - d. Required only for discharges from tanks, pipes, or pipelines to store or convey these materials, including animal or vegetable oils, petroleum products, and natural gas.
 - e. Monitoring required only if the test water, disinfection water, or flushing water has been chlorinated or comes from a chlorinated water supply.
 - f. Analyses for total residual chlorine and pH shall be performed within 15 minutes of sample collection.
 - g. The minimum quantification level for total residual chlorine is 0.10 mg/l. Report all results below the minimum level as <0.10 mg/l.
 - h. Not required for discharges from disinfecting drinking water pipes or tanks.
 - i. The daily minimum dissolved oxygen limit is 5.0 mg/l for discharges to Use I, I-P, and II waters and 6.0 mg/l for discharges to Use III, III-P, IV, and IV-P waters.
 - j. Monitoring required only if the wastewater is chemically dechlorinated.
 - k. The temperature difference shall be measured as follows:
 - (i) the receiving stream standard minus the effluent temperature (or temperature of wastewater prior to discharge). If the result complies with the limit, temperature monitoring is complete. Otherwise, the permittee shall monitor and report the temperature difference as described in (ii) below.
 - (ii) If temperature difference (i) is less than zero, for nontidal waters, the permittee shall also measure the temperature of the receiving stream at the downstream edge of the mixing zone and the ambient receiving water temperature upstream of the discharge. For tidal waters, the permittee shall measure, on an ebb tide, the receiving water temperature sufficiently upstream of or perpendicularly out from the point of discharge to represent ambient conditions, and at the downstream edge of the mixing zone. The temperature difference is the difference between the effluent temperature or the temperature at the edge of a mixing zone, whichever is lower, and the ambient receiving water temperature or receiving water quality standard, whichever is higher.
 - l. Use III, III-P, IV, and IV-P waters; at beginning of discharge and midway through discharge. The receiving stream standards are as follows: Use I, II, and II-P: 90 °F; Use III and III-P: 68°F; Use IV and IV-P: 75°F.
 - m. Required July, August, and September only.
- 2. All used tanks, pipes or pipelines shall be cleaned before being filled with test water. All wastewater and removed solids resulting from cleaning operations shall be properly disposed in a manner which will not result in a discharge to State waters.
 - 3. Hydrostatic test water for all used tanks, pipes and pipelines shall also be monitored for the last material stored therein.
 - 4. If the wastewater discharge is solely to ground water, the above effluent limitations and monitoring requirements are waived except for flow, oil and grease, and the monitoring required in Section D.3. above.
 - 5. The permittee shall take all necessary measures to prevent erosion damage during the discharge. Any gully greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing water, preventive measures include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

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6. If water is withdrawn from surface sources for testing purposes, the raw water intake shall be placed off the bottom of the waterway and a screen shall surround the end of the intake pipe. If possible, water shall not be withdrawn immediately after a rain event has significantly elevated the turbidity of the water supply. High suspended solids in the test water will not be justification for exceeding the TSS discharge limit.
7. If water for testing purposes is appropriated from surface or ground waters of the State, the permittee shall obtain, if necessary, a water appropriation permit from the Department.
8. If test water is discharged into an oil/water separator, settling basin or any other treatment system normally used to treat process or storm water, the rate of discharge shall not exceed the design capacity of the treatment system.

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IV. E. Discharge Limits for Storm Water from Aboveground Storage Tank Containment Structures

1. The permittee is authorized to discharge storm water from within dikes, berms, walls or any other containment structure for aboveground petroleum storage sites with a storage capacity of 10,000 gallons or more, and shall meet the limitations specified below at the final discharge point. Monitoring is required only if a spill or leak of a petroleum product has occurred in the containment area.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Oil & Grease						15	mg/l	1/discharge	grab	a
BTEX						100	µg/l	1/discharge	grab	a, b
Benzene						5	µg/l	1/discharge	grab	a,b

Notes

- a. Sampling for oil & grease shall continue once per discharge until there is no visible product on the water surface in the containment area and until at least three separate, consecutive discharge samples indicate compliance with the oil & grease limit.
 - b. Monitoring for BTEX (benzene, toluene, ethylbenzene, and xylene) and benzene required only if a spill or leak of gasoline has occurred in the containment area. Sampling for BTEX shall continue once per discharge until there is no visible product on the water surface in the containment area and until at least three separate, consecutive discharge samples indicate compliance with the BTEX effluent limit. The permittee shall include in the Discharge Monitoring Report the total BTEX and each individual concentration of benzene, toluene, ethylbenzene and xylene.
2. The outlet from all containment structures shall be maintained in the closed position at all times except during the storm water drainage operations.
 3. The permittee shall inspect the containment area at least once per month and shall maintain a logbook of observations, particularly noting any spills or leaks of petroleum products into the containment area. All spilled or leaked product in the containment area shall be removed as soon as possible.
 4. If there has never been a leak or spill of petroleum products in the containment are, the permittee shall, at a minimum, make a visual inspection of the standing water before discharge.

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F. Discharges from Water Utilities. This section covers all discharges from drinking water utilities except any discharges from super chlorination of pipes or tanks.

1. The permittee is authorized to discharge water from the overflow, draining, or dewatering of reservoirs, vessels or structures used to store or convey potable water for consumption including standing water, and water from flushing, hydrostatic testing, mechanical cleaning, water main breaks, leaks, or other releases.

2. All facilities shall develop a Pollution Prevention Plan (PPP) with technology based best management practices. The PPP is subject to the review and approval of the Department, upon request. For new permittees, the PPP shall address an inventory of planned discharges and their quality and necessary treatment, and shall be implemented within six months of registration under the permit. For facilities renewing permit coverage, the plan shall be reviewed and updated within six months of permit issuance, if necessary. The PPP shall include:

- a. An inventory of anticipated discharges, including type of discharge (from flushing, line maintenance, tank cleaning, etc.), and any scheduled events.
- b. The expected quantity, quality, and location of each discharge.
- c. All potential discharge alternatives including disposal into the sanitary sewer, overland flow, storm sewer, or other potential alternatives.
- d. Any available data on the quality of previous discharges of different types, at the point where it leaves the system and at the point of entry into state waters.
- e. All treatment options available for different discharge types and in different locations.
- f. Stream designations and other factors used to determine the impact of the discharge upon waters of the State.

Water quality data from previous discharges and location and volume of anticipated discharges shall be considered in developing the most protective treatment methods. The Department may notify the permittee at any time that the PPP does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the PPP to correct the deficiencies and shall submit to the Department a written certification that the requested changes have been made. The permittee shall have 90 days after such notification to make the necessary changes in the PPP and shall implement the changes as agreed between the utility and the Department.

3. The discharge shall not cause the temperature of the receiving waters, beyond a mixing zone, to exceed 68°F in Use III or III-P receiving waters, 75°F in Use IV or IV-P receiving waters, and 90°F in Use I, I-P, or II receiving waters. If the ambient temperature of the receiving waters exceeds these standards, the temperature of the discharge shall not exceed (to the nearest degree F) the ambient temperature of the stream. A mixing zone extending 50 feet radially from the point of discharge is allowed. For discharges over

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100,000 gallons or those that equal at least half the flow in the receiving stream and which occur between June 1 and September 1, the permittee shall verify compliance with these temperature limits by measuring the temperature of the water to be discharged within a half-hour prior to discharge and, if the temperature of the discharge exceeds 68°F, by measuring the temperature of the receiving waters at the edge of the mixing zone midway through the discharge period. The results of this monitoring shall be kept at the utility, and made available to the Department upon request.

4. The permittee shall take all necessary measures to prevent erosion damage during the discharge. Any gully greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing water, preventive measures include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

G. Removed Substances. Wastes such as solids, sludge, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner so as to prevent any removed substances or runoff from such substances from being discharged to waters of the State. The permittee shall keep a record of the following, and make it available to the Department upon request:

1. The location of all areas used for the disposal of any removed substances as described above;
2. The physical, chemical and biological characteristics of the removed substances (as appropriate), quantities of any removed substances handled, and the method of disposal; and
3. Identification of the contractor or subcontractor, their mailing address and the information specified in a and b above if disposal is handled by persons other than the permittee.

H. Noncompliance with Discharge Limits. The discharge of any pollutant identified in this permit at a level in excess of the level authorized shall constitute a violation of the terms and conditions of this permit. If, for any reason, the permittee does not comply with or will be unable to comply with any of the effluent limitations in this permit, the permittee shall notify, within 24 hours of discovery of the noncompliance, the:

WMA – Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, STE 425
Baltimore MD 21230-1708
(410) 537-3510 (410) 537-4883 FAX

1. Within five calendar days, the permittee shall provide the Department with the following information in writing at the above address:

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- a. A description of the noncompliant discharge, including the date and time of its occurrence and its impact on the receiving water;
 - b. The cause of the noncompliance;
 - c. The anticipated time the cause of the noncompliance is expected to continue, or, if the condition has been corrected, the duration of the period of the noncompliance;
 - d. Steps taken by the permittee to eliminate the noncompliant discharge;
 - e. Steps planned and implemented by the permittee to prevent the recurrence of the noncompliance; and
 - f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.
2. The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the waters of this State or to human health from noncompliance with any effluent limitations specified in this permit.

Part V. Monitoring and Reporting.

A. Representative Sampling. Required samples and measurements shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods. Where effluent authorized by this general permit mingles with other permitted discharges of wastewaters or waters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this permit.

B. Sampling and Analytical Methods. The sampling and analytical methods used shall conform to procedures for the analysis of pollutants as identified in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

C. Data Recording Requirements. For each measurement or sample taken to satisfy the requirements of this permit, the permittee shall record the following information:

1. The exact place, date, and time of sampling or measurement;
2. The person(s) who performed the sampling or measurement;
3. The dates and times the analyses were performed;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all required analyses.

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D. Monitoring Equipment Maintenance. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

E. Additional Monitoring by Permittee. If the permittee monitors any pollutant more frequently than required by this permit, the permittee shall use approved analytical methods as specified in Section B above, and shall report the results of such monitoring, including the increased frequency, as required in Section F below.

F. Reporting Monitoring Results.

1. Except as specified in Part IV.D.3, all monitoring results obtained by the permittee during each calendar quarter shall be summarized on a separate Discharge Monitoring Report form (EPA No. 3320-1) for each month of the reporting period. Results shall be submitted to the Department, postmarked no later than the 28th day of the month following the end of each calendar quarter, at the address below, and shall include the facility's registration number.

Attention: Discharge Monitoring Reports
WMA – Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, STE 425
Baltimore MD 21230-1708

2. If the discharges authorized by this permit occur at a facility with an individual State or State/NPDES permit for other discharges, the permittee may submit monitoring data required by this general permit, on a separate form, with the Discharge Monitoring Report for the individual State or State/NPDES permit.

3. All reports required by permits and other information requested by the Department shall be signed by a person described in Part III, Section D.2 or by a duly authorized representative of that person as described in Part III, Section D.3.

G. Records Retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, shall be retained for a minimum of five years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

Part VI. Facility Operation and Maintenance.

A. Facility Operation. The permittee shall maintain in good working order and efficiently operate all systems used or installed and all treatment and control facilities.

B. Bypasses. Any bypass of treatment facilities needed to maintain compliance with the terms and conditions of this permit is prohibited unless:

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1. The bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities that would cause them to become inoperable, or substantial and permanent loss of natural resources;

2. There are no feasible alternatives;

3. Except under emergency conditions, the permittee notifies the Department ten days in advance of the date of the anticipated bypass or at the earliest possible date if the period of advance knowledge is less than ten days;

4. Under emergency conditions, the permittee notifies the Department within 24 hours of becoming aware of the bypass. If the notification is given orally, the permittee shall follow the oral notification with written notification to the Department within five calendar days of the oral notification; and

5. The bypass is allowed by the Department under conditions determined by the Department to be necessary to minimize adverse effects.

C. *Demonstration of an Upset.* An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

2. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operational and maintenance procedures;

3. The permittee submitted notification of upset within 24 hours. If the notification was given orally, the permittee submitted written notification to the Department including documentation to support and justify the upset within five calendar days following the oral notification; and

4. The permittee complied with any remedial measures required to minimize adverse impact.

D. *Power Failure.* In order to maintain compliance with the terms and conditions of this permit, the permittee shall:

1. Provide an alternative power source sufficient to operate the wastewater collection and treatment facilities; or

2. Halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

Part VII. Violation of Permit Conditions.

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A. Compliance with This General Permit and Water Pollution Abatement Statutes.

The permittee shall comply at all times with the terms and conditions of this permit, the provisions of Title 7, Subtitle 2, and Title 9, Subtitles 2 and 3 of the Environment Article, Annotated Code of Maryland, and the federal Clean Water Act.

B. Civil and Criminal Liability. In issuing or reissuing this permit, the Department does not waive or surrender any right to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or reissuance of this permit. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any civil or criminal responsibilities, liabilities, or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local or other State law or regulation.

C. Penalties for Violations of Permit Conditions. In addition to penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the federal Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of these sections in a permit issued under Section 402 of the federal Clean Water Act or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a civil penalty not to exceed \$27,500 per day for each violation.

D. Criminal Penalties for Violations of Permit Conditions. In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the federal Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a fine of not less than \$2,500 nor more than \$27,500 per day of violation, or by imprisonment for not more than one (1) year, or by both.

2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.

3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, and who knows at that time that he thereby places another person in imminent danger of death or serious

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bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen (15) years, or both. A person that is a corporation shall, upon conviction, be subject to a penalty of not more than \$1,000,000.

E. Penalties for Falsification and Tampering. The Environment Article, Section 9-343, Annotated Code of Maryland, provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 6 months, or by both. The federal Clean Water Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the federal Clean Water Act, or who knowingly makes any false statement, representation, or certification in any records or other documents submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

Part VIII. General Conditions.

A. Right of Entry. The permittee shall permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. To sample, at reasonable times, any discharge of pollutants; and
6. To take photographs.

B. Property Rights/Compliance with Other Requirements. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of federal, State or local laws or regulations.

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C. Duty to Provide Information. The permittee shall furnish to the Department, within the time frame stipulated by the Department, any information that the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

D. Other Information. If the permittee becomes aware that incorrect information has been included in the NOI or any other report submitted to the Department, or relevant facts have been omitted from the NOI or any other report to the Department, the permittee shall submit the correct information or facts to the Department with 30 calendar days of becoming aware.

E. Availability of Reports. Except for data determined to be confidential under the Maryland Public Information Act, and Section 308 of the federal Clean Water Act, all submitted data shall be available for public inspection at the Department.

F. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the federal Clean Water Act, or under Section 9-314 and Sections 9-322 through 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G. Oil and Hazardous Substances Prohibited. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under the federal Clean Water Act or under the Annotated Code of Maryland.

H. Water Construction and Obstruction. This permit does not authorize the construction or placing of physical structures, facilities, or debris or the undertaking of related activities in any waters of the State.

I. Protection of Water Quality. It is a violation of this permit to discharge any substance not otherwise listed under the permit's "Effluent Limitations and Monitoring Requirements" special conditions at a level which would cause or contribute to any violation of the numerical water quality standards in COMAR 26.08.02.03. If a discharge regulated by this permit causes or contributes to an violation of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, the Department is authorized to exercise its powers to modify, suspend or revoke a registration under this permit.

J. Reopener Clause For Permits. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in this permit or

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2. Controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

K. Impaired Receiving Waters and Total Maximum Daily Loads. The NOI for any discharge from hydrostatic testing not part of a drinking water system must identify whether any receiving water is on Maryland's impaired waters list for sediments, which can be found at

<http://www.mde.state.md.us/Programs/WaterPrograms/TMDL>. Click on "2004 303(d) list Searchable Database, then search by the basin name or number. If the water body has as an approved TMDL for sediments, the Department may require individual permit coverage. The permittee must implement all necessary controls to meet the specified waste load allocation (WLA), if one exists, and verify that the discharge complies with the WLA through the discharge monitoring requirements included in this permit. Failure to comply with a relevant WLA is a violation of this permit.

L. Severability. The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

Part IX. Authority to Issue General NPDES Permits.

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the federal Clean Water Act, 33 U.S.C. Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program.

Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.

Robert M. Summers, Ph.D., Director
Water Management Administration